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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/074,535	16-Dec-02	WILLIAM F. NORDLIN, ET AL.	913/38954/283

Title: HYDRAULIC PUNCH DRIVER

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Art Unit	Paper Number
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**MAILED**

JUN 23 2003

LICENSING & REVIEW

**Please find attached a communication from the Examiner regarding the  
Petition for Retroactive License under 37 CFR 5.25.**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
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In re:	Nordin et al	:	DECISION ON REQUEST
Serial No.:	10/074,535	:	UNDER 37 CFR 5.25
Filing date:	13 November 2001		
Docket No:	913/38954/283		

Title: HYDRAULIC PUNCH DRIVER

This is a decision on the petition filed on 16 December 2002 for a retroactive foreign filing license.

37 CFR 5.25(a) requires the following:

1. A listing of each of the foreign countries in which the unlicensed patent application material was filed,
2. The dates on which the material was filed in each country,
3. A verified statement (oath or declaration) containing:
  - i. An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order,
  - ii. A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and
  - iii. An explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained, and
4. The required fee ( § 1.17(h)).

The petition is **Denied** at this time in that the petition is defective since a copy of the German Patent application has not been provided for the record to show that the U.S. Patent application and the German Patent applications contain the same inventive subject matter.

Accordingly, the provisions of 37 CFR 5.25 not having been fully met, the petition is denied, and in the absence of any response within **60 days** of the mailing date of this letter, such denial will

be made final and the final action under 35 U.S.C. 185 will be taken. Extensions of time may be had under 37 C.F.R. 1.136(a).

  
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